IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE TWENTY EIGHTH DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE B.PRAKASH RAO

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WRIT PETITION NO : 7354 of 1998

Between:

Goparaju Sriprabhakara Hari Babu son of Atchaiah, MTG-2B-29, Vinayakanagar, Vuda Colony Pedagantyada, Visakhapatnam - 530 044

..... PETITIONER

AND

1 Chairman & Managing Director
The Visakhapatnam Steel Plant, Visakhapatnam
2 The Director (Personal) Personal Department
The Visakhapatnam Steel Plant, Visakhapatnam
3 K.Krishana Rao Deputy General Manager (Power) , Disciplainary Authourity, The Visakhapatnam Steel Plant, Visakhapatnam
4 Additional General Manager (Power , Electiracal & Telecom)
Appellate Authority, Steel Plant, Visakhapatnam

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an appropriate writ, order or direction more particularly in the nature of a Writ of Certiorari calling for the records of the respondents pertaining to the order of the 4th respondent dt. 6/08/97 No.ED(W)/97/256 confirming his earlier orders dt. 10/05/97 No. WK/Addl GM(P, E & TC)/949 and to quash the same by declaring that they are illegal, arbitrary, mala fide, unjust unwarranted and against the conditions of his employment and against the principles of natural justice and to consequently direct the respondent to continue his services with all attendant benefits such as increments, bonus, incentives, pension, promotion, etc., apart from back wages

Counsel for the Petitioner: MR.K.SARVA BHOUMA RAO

Counsel for the Respondents.: MR.V.RAVINDER RAO

The Court made the following :

ORDER:

Challenge is made by the petitioner in this writ petition against the impugned order of the 4th respondent dated 6-8-1997 No. ED(W)/97/256 confirming his earlier orders dated 10-5-97 and sought for a direction to the respondents to continue the services of the petitioner with all attendant benefits including increment, bonus, incentives, pension, promotion etc. apart from the back wages.

Heard the learned Counsel for the petitioner and Mr V. Ravinder Rao, learned Standing Counsel appearing for the respondents.

The petitioner who has been an employee of the respondents steel plant files this writ petition inter alia seeking to assail the impugned orders terminating his services from the respondent company on 9-7-1996. The case of the petitioner is that he has been in employment in the respondents company. However, on the ground that the petitioner is unauthorizedly absent, proceedings have been initiated on different points of time and ultimately after holding an enquiry it has resulted into the termination of his services. According to the petitioner, even though he has given a satisfactory explanation, especially having regard to the illness of his mother, the same has not been properly considered by the respondents and further even having regard to the length of absence the termination of his services and removal from the service has no nexus to the gravity of the allegations made against him. Further, it is also pointed out that even though the petitioner has filed an appeal and subsequently a review application also, the same were negatived. Hence, the writ petition.

Learned counsel for the petitioner submitted that in view of the long service of the petitioner and especially taking into consideration the reasons given for his absence, the respondents ought not to have removed him from the services.

Learned standing Counsel for the respondents submitted that it is only due to the fact that the petitioner was consistently absent on more than one occasion and as repeatedly doing the same, the impugned action has been taken. Hence, it does not call for any interference.

Having considered the submissions made on either side and on perusal of the

material, it is seen that the only question which calls for consideration is as to in view of the facts and circumstances of the case the action of the respondents herein in removing the petitioner from service is sustainable or not.

There is no dispute to the fact that the petitioner is an employee working with the respondents Company. But, on more than one occasion the petitioner was charged for unauthorized absence for various periods of time and under the impugned proceedings the petitioner has been charge- sheeted for his absence continuously. During the enquiry it was found that the petitioner was absent in the years 1990, 1991, 1993, 1995 & 1996. The very charge itself is that the petitioner is habitual absentee from duty and his absence is continuous one without prior sanction, which is in violation of the standing orders of the respondents. Though the petitioner has filed an explanation, however, the same was found to be not satisfactory. Even taking into consideration the reasons shown at this stage it cannot be said that the petitioner's continuous absence can be justified more so in view of the specific standing orders and also the obligation cast on him. Having regard to the findings as arrived at by the authorities at all levels about the continuous absence of the petitioner, it clearly shows that he is habitual in absence for which there cannot be any justification. In view of the same, except seeking indulgence, no other valid point has been raised by the petitioner to show any irregularity in the procedure adopted by the respondents and ultimately removing him from service. Thus, it has to be held that the finding as arrived at the removal of the petitioner from the services is perfectly justified.

In view of the same, I do not find any merits in the writ petition and accordingly it is dismissed. No costs.

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B. PRAKASH RAO, J

Dt 28/12/2004

Kvrk

To

1 The Chairman & Managing Director
The Visakhapatnam Steel Plant, Visakhapatnam
2 The Director (Personal), Personal Department
The Visakhapatnam Steel Plant, Visakhapatnam
3 K. Krishana Rao Deputy General Manager (Power) , Disciplinary Authority, The Visakhapatnam Steel Plant, Visakhapatnam
4 Additional General Manager (Power , Electrical & Telecom)
Appellate Authority, Steel Plant, Visakhapatnam.(with records)

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